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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition of Bell Atlantic for Further Forbearance)
from Section 272 Requirements in Connection)
with National Directory Assistance Services)

CC Docket No. 97-172
DA 99-2556

COMMENTS OF MCI WORLDCOM, INC.

MCI WORLDCOM, INC. (MCI WORLDCOM) files the following comments in response to Bell Atlantic's Petition for Further Forbearance from Section 272 Requirements in Connection with National Directory Assistance Services (the Petition) filed on November 5, 1999.

On June 9, 1999, the Federal Communications Commission (FCC) adopted its *NDA Order*¹ in which it resolved US WEST's Petition for Declaratory Ruling concerning the provision of national directory assistance (NDA). Bell Atlantic contends in the Petition that it provides directory assistance service in a manner that is generally the same as that offered by US WEST except that, unlike the US WEST service, all of the directory assistance information is contained in information storage facilities which are owned by Bell Atlantic. Bell Atlantic states that its service is, therefore, lawful under § 271 (g)(4) of the Act. Bell Atlantic requests that it also be

¹ *Petition of US WEST Communications, Inc. for Declaratory Ruling Regarding the Provision of National Directory Assistance*, Memorandum Opinion and Order, CC Docket No. 97-172 (rel. September 27, 1999) (*NDA Order*).

granted forbearance from the § 272 requirements in connection with its NDA service.

It is clear based on the Petition that Bell Atlantic has been offering NDA service for some period of time prior to filing the Petition.² Bell Atlantic, fully aware that its provision of NDA services without the use of a separate affiliate could have been deemed a violation of law, chose to ignore this possibility by doing nothing. Bell Atlantic had an opportunity to file a request for forbearance at the same time as US WEST filed its Petition for a Declaratory ruling regarding nonlocal directory assistance over two years ago (July 17, 1997) and chose not to do so. Moreover, Bell Atlantic, after clearly discovering that it was in violation of the § 272 affiliate requirements, should have immediately filed its request for forbearance after the Commission's *NDA Order* was adopted. Again, it chose not to. Instead, Bell Atlantic did not file the Petition to ensure its compliance with the law until November 5, 1999. We, therefore, believe it would be appropriate for this Commission to sanction Bell Atlantic for its violation of the Act and this Commission's *NDA Order* from the date it initiated service until the date on which it becomes compliant with the law.

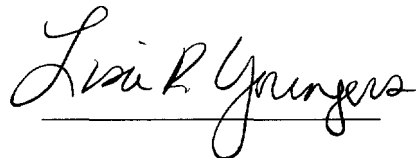
Additionally, the Commission should sanction Bell Atlantic for its violation of § 271 and its provision of NDA when it did not yet own the information storage facilities.³ The Commission's *NDA Order* expressly provides that a BOC is not in violation of § 271 if its provision of NDA service is an incidental interLATA service pursuant to § 271(g)(4). The Commission concluded that "§ 271(g)(4) permits a BOC to offer incidental interLATA services

² For example, Bell Atlantic has been offering nationwide directory assistance services in West Virginia since October 15, 1998.

³ Petition at 2 - 3.

[such as NDA] only when it uses its own facilities.”⁴ Bell Atlantic’s Petition makes it clear that it did not use its own information storage facilities to provide its NDA service. Bell Atlantic should be sanctioned for its violation of § 271 from the date it initiated its NDA service while using a storage facility it did not own until the time it is in compliance with the law. Further, Bell Atlantic should be sanctioned for its violation of § 272 when it provided NDA service without the use of a separate affiliate.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lisa R. Youngers", written over a horizontal line.

Lisa R. Youngers

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Dated: November 29, 1999

⁴ *NDA Order* at ¶ 23.

CERTIFICATE OF SERVICE

I, Lonzena Rogers, do hereby certify, that on this twenty-ninth day of November, 1999, I caused by first class United States Postage, a true and correct copy of MCI WorldCom, Inc.'s Comments concerning Bell Atlantic's Petition for Forbearance to be served on the following:

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Lonzena Rogers

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